

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELIZABETH WRIGHT,

Plaintiff,

Case No. 21-cv-10871

Hon. Matthew F. Leitman

v.

LOUIS DEJOY, Postmaster
General of the United States, et al.,

Defendants.

**ORDER (1) ADOPTING DISPOSITION RECOMMENDED BY REPORT
AND RECOMMENDATION (ECF No. 23); AND (2) GRANTING
DEFENDANT'S MOTION TO DISMISS (ECF NO. 18) AND DENYING
PLAINTIFF'S MOTION TO APPOINT COUNSEL (ECF NO. 20)**

In this *pro se* action, Plaintiff Elizabeth Wright alleges that Defendant Louis DeJoy wrongly denied her application for disability retirement. (*See* Compl., ECF No. 1.) On August 31, 2021, Wright filed an Amended Complaint. (*See* Am. Compl., ECF No. 17.) On September 10, 2021, DeJoy moved to dismiss the action under Federal Rules of Civil Procedure 12(b)(1) and (6), asserting a lack of subject-matter jurisdiction and failure to state a claim upon which relief can be granted. (ECF No. 18.) Wright later filed a response to the motion and also moved to appoint counsel on September 24, 2021. (ECF No. 21; ECF No. 20.)

On October 6, 2021, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant DeJoy's motion

and deny Wright's motion (the "R&R"). (*See* R&R, ECF No. 23.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.101.)

Neither party has filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because the parties have not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant DeJoy's Motion to Dismiss and deny Wright's Motion to Appoint Counsel is **ADOPTED**.

IT IS FURTHER ORDERED that (1) DeJoy's Motion to Dismiss (ECF No. 18) is **GRANTED** and (2) Wright's Motion to Appoint Counsel (ECF No. 20) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 9, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 9, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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